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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 KEITH MORENO

15 Defendant.

Case No. 3:20-cr-00029-WBS-DLB

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Rene L. Valladares,
18 Federal Public Defender, and KATE BERRY, Assistant Federal Public Defender, counsel for
19 KEITH MORENO, Nicholas A. Trutanich, United States Attorney, and PENELOPE JO
20 BRADY, Assistant United States Attorney, counsel for the United States of America, that the
21 calendar call be continued to **January 4, 2021, at 10:00 a.m.**, and the trial be continued to
22 **February 9, 2021, at 8:30 a.m.**

23 The Stipulation to continue is entered into for the following reasons:

24 1. First, the failure to grant this continuance would deny counsel for the
25 defendant the reasonable time necessary for effective preparation, taking into account the
26 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The client is currently on bond and does not oppose the continuance.

3. Counsel for the defendant will need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or resolved through negotiations.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit appropriate pretrial motions.

5. The proposed date would allow counsel to represent other clients zealously and still allow for meaningful investigation and litigation of this case, including the filing of pretrial and trial motions.

6. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(B)(iv).

This is the first stipulation to continue filed herein.

DATED this September 3, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

By: /s/ Kate Berry

By: /s/ Penelope Jo Brady

KATE BERRY
Assistant Federal Public Defender
Counsel for Keith Moreno

PENELOPE JO BRADY
Assistant United States Attorney
Counsel for United States

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 KEITH MORENO,

7 Defendant.

Case No. 3:20-cr-00029-WBS-DLB

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

12 1. The continuance is necessary for the following reasons. First, the failure to
13 grant this continuance would deny counsel for the defendant the reasonable time necessary for
14 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C.
15 § 3161(h)(7)(B)(iv).

16 2. The client is on bond and does not oppose the continuance.

17 3. Counsel for the defendant will need additional time to conduct investigation in
18 this case in order to determine whether there are any pretrial issues that must be litigated and
19 whether the case will ultimately go to trial or resolved through negotiations.

20 4. The additional time requested herein is not sought for purposes of delay, but
21 merely to allow counsel for the defendant sufficient time to complete necessary research,
22 prepare and submit appropriate pretrial motions.

23 5. The proposed date would allow counsel to represent other clients zealously and
24 still allow for meaningful investigation and litigation of this case, including the filing of
25 pretrial and trial motions.

26 6. Denial of this request for continuance would deny counsel for the defendant

1 sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices
2 of defense, taking into account the exercise of due diligence.

3 7. Additionally, denial of this request for continuance could result in a
4 miscarriage of justice. The additional time requested by this stipulation is excludable in
5 computing the time within which the trial herein must commence pursuant to the Speedy Trial
6 Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§
7 3161(h)(7)(B)(i) and 3161(h)(B)(iv).

8 This is the first stipulation to continue filed herein.

9
10 **CONCLUSIONS OF LAW**

11 The ends of justice served by granting said continuance outweigh the best interest of
12 the public and the defendant in a speedy trial, since the failure to grant said continuance
13 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient
14 time and the opportunity within which to be able to effectively and thoroughly prepare for
15 trial, taking into account the exercise of due diligence.

16 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
17 United States Code, Section 3161 (h)(7)(A), when the considering the factors under Title 18,
18 United States Code, Section 3161(h)(7)(B)(i) and (iv).

ORDER

IT IS THEREFORE ORDERED that the Trial Confirmation Hearing is set for **January 4, 2021 at 10:00 a.m.**; and the trial is set for **February 9, 2021 at 9:00 a.m.**

IT IS SO ORDERED.

Dated: September 4, 2020



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE